



May 6, 2010

MEMORANDUM

TO: Steve Ledoux

FROM: Economic Development Committee

SUBJ: Signage Issue Resolution

It is good to see by your email to the EDC delegates that you are moving ahead on the review of the signage enforcement situation.

In addition to Ann Chang, Dick Calandrella, and Nancy Dinkel, David Didriksen will also participate. As you and I discussed, there will be two delegates to the review panel from the EDC as well as two alternates. Our delegates are Dick and Nancy.

Considering that there are approximately 80 open citations, this process can be expected to be quite time consuming for the delegates, and it may also stretch over a number of weeks. We felt that providing alternate delegates serves two purposes: first, to allow for scheduling conflicts and to share the load, and, second, to give us a chance to fully educate our people so that they can successfully participate in the “second tier” described below.

The EDC’s view of this endeavor is that it will consist of three distinct sets of activities as follows:

TIER ONE: Adjudication

- This is the panel we are now assembling.
- The panel will parse through the violations which have already been issued.
- The panel is not intended to serve as a ratification of the status quo.
- The panel has two goals:
 - To educate the merchants
 - To achieve voluntary compliance wherever possible.
- It is expected that the panel will encounter individual sign owners who are for their own reasons either unable or unwilling to obey the law. Once these cases have been isolated, and voluntary compliance cannot be achieved, the panel should turn them over for enforcement by others. The EDC has no interest whatsoever in protecting scofflaws.

TIER TWO: Bylaw Review

- The bylaw as it stands contains ambiguities which have made it difficult for sign owners to understand their rights and obligations, just as it has made enforcement less effective.
- With the experience gained by the participants in Tier One above, we will have a group of people representing the citizens, sign owners, and staff who will have gained an intimate understanding of the bylaw, its weaknesses, and potential avenues for improvement. They will also have had the chance to see what works and what doesn't in our current approach to enforcement.
- Combining these elements with expert legal guidance from town counsel, the group should be able to recast the bylaw language and at the same time establish a model for how enforcement will be handled in the future.
- The new enforcement mechanism can be put into effect immediately and guide our efforts for those new sign code violations which will inevitably arise from those parts of town which have yet to be inspected.
- The goal of his group with respect to the bylaw itself will be to get a revised bylaw ready to be presented at the next Town Meeting.

TIER THREE: Education

- We all recognize that most of the current situation is due to a general lack of understanding of the bylaw within the business community.
- The remedy for this situation is in three steps:
 1. Pamphlet: Provide a convenient and durable tool for educating our business community now and in the future with respect to signage regulations.
 - The Second Tier committee above will oversee the creation of a brochure or pamphlet which concisely describes the background of the bylaw, how it works from the standpoint of administration and enforcement, and a summary of its terms.
 - This pamphlet will be printed up in sufficient quantities as to be mailed to or dropped off at every business in Acton.
 2. Early Distribution: As new businesses come into town, the staff will be proactive in ensuring that each newcomer receives a copy of the pamphlet as early as possible in the Town Hall process.
 3. Public Relations:
 - We should recognize that damage has been done to the Town's reputation as a business friendly environment. These impressions may be false, but they will not go away of their own accord.
 - Working with the Chamber of Commerce and the EDC, the Town should be proactive in reversing its negative image.
 - In future the Town should be seeking the active participation of the business community wherever possible on regulatory matters affecting that community. Regular meetings with key individuals, opinion surveys, and an "Open Door" policy would go a long way towards creating a new tone in our dealings with our business community.

We fully recognize that the foregoing sets out an ambitious program. With the active and enthusiastic participation of concerned citizens and the business community, it is possible to avoid a situation where the whole burden of reform falls on staff.

We recommend that you convene a “Kick Off” meeting at Town Hall made up of the four EDC people, you, staff, and counsel. The purpose of this meeting is to surface any misunderstandings and build a sense of teamwork before any of the more formal meetings get under way.

We also recommend that we keep the first half dozen or so adjudications informal, and in particular avoid over-scheduling this activity until the group gets a feel for one another, becomes familiar with the issues on the table, and the best ways to encourage sign owners to expeditiously pursue voluntary compliance. Over time we can take what we’ve learned and apply it to a more scheduled approach, to follow up questions/answers, and to the terms for fair provisions of additional time to come into compliance.

This is an exciting moment for the Town. While we come together over an unpleasant public issue, nevertheless we will be able to correct a defective bylaw, create a fair and practicable enforcement process, and put in place a measure which will prevent any recurrences in the future. In addition, we have the opportunity to create a model for constructive collaboration between the town staff, citizens, and our business community. All things considered, that’s a pretty good outcome.

Please let me know if you have any questions or concerns. Thank you, Doug

